

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Rexon Industrial Corporation, Ltd.,	)	
	)	
Plaintiff,	)	Civil Action No. 04-cv-30180 (MAP)
	)	
v.	)	
	)	
Porter-Cable Corporation,	)	
Delta International Machinery Corp.,	)	
and Pentair, Inc.,	)	
	)	
Defendants.	)	
	)	
Black & Decker, Inc.,	)	
Black & Decker (U.S.), Inc.,	)	
Porter-Cable Corporation, and	)	
Delta International Machinery Corp.,	)	
	)	
Plaintiffs-in-Counterclaim	)	
	)	
v.	)	
	)	
Rexon Industrial Corporation, Ltd.,	)	
	)	
Defendant-in-Counterclaim.	)	(Our Docket No. 5038-0044)

**ANSWER TO COUNTERCLAIM**

Counterdefendant, Rexon Industrial Corporation, Ltd. (“Rexon”) hereby answers and responds to the Counterclaims filed by Counterplaintiffs, Black & Decker, Inc., Black & Decker (U.S.), Inc., Porter-Cable Corporation, and Delta International Machinery Corp., (referred to herein collectively as “Black & Decker”) as follows:

**Parties**

1. Rexon is without knowledge or information sufficient to form a belief as to the truth of this averment and, accordingly, leaves Black & Decker to its proof.

2. Rexon is without knowledge or information sufficient to form a belief as to the truth of this averment and, accordingly, leaves Black & Decker to its proof.

3. Rexon is without knowledge or information sufficient to form a belief as to the truth of this averment and, accordingly, leaves Black & Decker to its proof.

4. Rexon is without knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly leaves Black & Decker to its proof.

5. Admitted.

**Jurisdiction and Venue**

6. Admitted.

**Count I**

**Declaratory Judgment of Noninfringement of the '203 Patent**

7. Rexon repeats and re-alleges the responses set forth in Paragraphs 1-6 above as fully set forth herein.

8. Denied.

9. Denied.

10. Denied.

**Count II**

**Declaratory Judgment of Invalidity of the '203 Patent**

11. Rexon repeats and re-alleges the responses set forth in Paragraphs 1-10 above as fully set forth herein.

12. Denied.

13. Denied.

**Count III**

**Infringement of U.S. Patent No. 5,819,619**

14. Rexon repeats and re-alleges the responses set forth in Paragraphs 1-6 above as fully set forth herein.

15. Rexon is without knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, the allegations are denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

**Count IV**

**Infringement of U.S. Patent No. 6,431,040**

20. Rexon repeats and re-alleges the responses set forth in Paragraphs 1-6 above as fully set forth herein.

21. Rexion is without knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, the allegations are denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

### **Count V**

#### **Infringement of U.S. Patent No. 6,427,570**

26. Rexion repeats and re-alleges the responses set forth in Paragraphs 1-6 above as fully set forth herein.

27. Rexion is without knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, the allegations are denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

### **Count VI**

#### **Infringement of U.S. Patent No. 5,285,708**

32. Rexion repeats and re-alleges the responses set forth in Paragraphs 1-6 above as fully set forth herein.

33. Rexon is without knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, the allegations are denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

### **Count VII**

#### **Infringement of U.S. Patent No. 5,375,495**

38. Rexon repeats and re-alleges the responses set forth in Paragraphs, 1-6 above as fully set forth herein.

39. Rexon is without knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, the allegations are denied.

40. Denied.

41. Denied.

42. Denied.

43. Denied.

### **Affirmative Defenses**

Counterdefendant, Rexon asserts the following defenses to the Counterclaims filed by Black & Decker, Inc., Black & Decker (U.S.), Inc., Porter-Cable Corporation, and Delta International Machinery Corp., (collectively “Black & Decker”):

1. Black & Deckers' counterclaims are barred by the doctrines of estoppel, laches, waiver and unclean hands.

2. Black & Deckers' counterclaims fail to state a claim upon which relief can be granted.

3. Rexon has not infringed any valid claim of U.S. Patent No. 5,819,619 ("the '619 patent").

4. Counterplaintiffs, Black & Decker are estopped from construing any valid claim of the '619 patent to cover or include as an equivalent, any product made, used, sold or offered for sale in the United States, or imported into the United States by Counterdefendant Rexon, because of admissions made by or on behalf of Counterplaintiffs before the United States Patent and Trademark Office in the application which issued as the '619 patent.

5. Rexon has not infringed any valid claim of U.S. Patent No. 6,431,040 ("the '040 patent").

6. Counterplaintiffs, Black & Decker are estopped from construing any valid claim of the '040 patent to cover or include as an equivalent, any product made, used, sold or offered for sale in the United States, or imported into the United States by Rexon, because of admissions made by or on behalf of Counterplaintiffs before the United States Patent and Trademark Office in the application which issued as the '040 patent.

7. Rexon has not infringed any valid claim of U.S. Patent No. 6,427,570 ("the '570 patent").

8. Counterplaintiffs, Black & Decker are estopped from construing any valid claim of the '570 patent to cover or include as an equivalent, any product made, used, sold or offered for sale in the United States, or imported into the United States by Rexon, because of admissions made by or on behalf of Counterplaintiffs before the United States Patent and Trademark Office in the application which issued as the '570 patent.

9. Rexon has not infringed any valid claim of U.S. Patent No. 5,285,708 ("the '708 patent").

10. Counterplaintiffs, Black & Decker are estopped from construing any valid claim of the '708 patent to cover or include as an equivalent, any product made, used, sold or offered for sale in the United States, or imported into the United States by Rexon, because of admissions made by or on behalf of Counterplaintiffs before the United States Patent and Trademark Office in the application which issued as the '708 patent.

11. Rexon has not infringed any valid claim of U.S. Patent No. 5,375,495 ("the '495 patent").

12. Counterplaintiffs, Black & Decker are estopped from construing any valid claim of the '495 patent to cover or include as an equivalent, any product made, used, sold or offered for sale in the United States, or imported into the United States by Rexon, because of admissions made by or on behalf of Counterplaintiffs before the United States Patent and Trademark Office in the application which issued as the '495 patent.

**Prayer For Relief**

WHEREFORE, Rexon prays for relief as follows:

1. That each count of Black & Deckers' Counterclaim be dismissed, in its entirety, with prejudice.
2. That this Court decree and declare that the '203 patent is valid and enforceable.
3. That this Court decree and declare by judgment that the '619 patent is invalid or unenforceable.
4. That this Court decree and declare by judgment that Rexon has not infringed any valid claim of the '619 patent.
5. That this Court decree and declare by judgment that the '040 patent is invalid or unenforceable.
6. That this Court decree and declare by judgment that Rexon has not infringed any valid claim of the '040 patent.
7. That this Court decree and declare by judgment that the '570 patent is invalid or unenforceable.
8. That this Court decree and declare by judgment that Rexon has not infringed any valid claim of the '570 patent.



9. That this Court grant such other and further relief to Rexion which the Court, in its discretion, may deem just and proper.

Respectfully submitted,

Plaintiff/Counterdefendant

REXON INDUSTRIAL CORPORATION, LTD.

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2005, I electronically filed the foregoing **ANSWER TO COUNTERCLAIM** with the clerk of the Court using the CM/ECF system which will send notification of such filing to:

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**Attorney for Pentair, Inc.**

I certify that all parties in this case are represented by counsel who are CM/ECF participants.

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